

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAMARTINE PIERRE, JR. et al.,

Plaintiffs,

v.

HEALTHY BEVERAGE, LLC,

Defendant.

CIVIL ACTION
NO. 20-4934

PAPPERT, J.

February 28, 2022

ORDER

AND NOW, this 28th day of February 2022, upon consideration of Defendant Healthy Beverage's Motion to Dismiss (ECF 19), Plaintiffs' Response (ECF 20), Healthy Beverage's Reply (ECF 22) and the parties' briefing on supplemental authority (ECF 23–25, 27–28), it is **ORDERED** that, for the reasons stated in the Court's Memorandum:

1. Healthy Beverage's Motion is **GRANTED in part**. Plaintiffs lack standing to seek injunctive relief. Count II of the Amended Complaint is **DISMISSED without prejudice** under New York and Wisconsin law and Count XVI is **DISMISSED without prejudice**.
2. Healthy Beverage's Motion is **DENIED** in all other respects.
3. On or before **Monday, March 14, 2022**, Plaintiffs' may amend their Amended Complaint (ECF 15) to identify applicable state law for their nationwide unjust enrichment claim.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.